IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 9579 of 2005**

Between:

1 Smt. Chintala Lakshmi Devi W/o. Dr.Chintala Yadagiri
R/o. Plot No.31, H.No.6-229, Vani Nagar, Chintal Quthbullapur Mandal

& Municipality, RR District.
2 Dr. C.Yadagiri, S/o.Sri. Mallaiah,
R/o. Plot No.31, H.No.6-229, Vani Nagar, Chintal Quthbullapur Mandal

& Municipality, RR District.

**..... PETITIONERS**

AND

1 Quthbullapur Municipality Rep by its Spl.Officer,
Quthbullapur , RR District.
2 The Commissioner, Quthbullapur Municipality
Quthbullapur , RR District.
3 Town Planning Officer, Quthbullapur Municipality.
Quthbullapur , RR District.
4 Smt. T.Balamani, W/o.T.Balakrishna
R/o.6-221, Vaninagar, Mahendranagar Colony Quthbullapur

Municipality and Mandal,
Ranga Reddy District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents from in any way interfering with the lawful possession, enjoyment of the structures either in the demolition state or otherwise at the instance of the respondents No.4 as illegal or unconstitutional and Violative of Articles 14, 21 and 300-A of the Constitution of India and consequentially direct

payment of damages as may be ordered by this Ho'ble Court and pass such other appropriate order or orders.

**Counsel for the Petitioner: MR.T.JAGDISH**

**Counsel for the Respondent No.1 to 3: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)**

The Court at the admission stage made the following :

ORA ORDER:

This writ petition is filed seeking Writ of Mandamus questioning the interference of the respondents with the possession and enjoyment of the petitioner's property.

So far as the 4th respondent is concerned, she already filed a suit in O.S.No.82 of 2005 on the file of the Junior Civil Judge, Medchal, Ranga Reddy District, in similar lines of the relief sought for in the present writ petition.

Even this writ petition is also filed on the ground that the unofficial respondents are interfering with the possession of the petitioners, at the instance of the 4th respondent.

Inasmuch as a suit is already filed by the 4th respondents with regard to the same subject matter, it is open for the petitioners to take appropriate steps by impleading themselves as necessary parties to the said suit, but on the same subject matter, they cannot approach this court by filing a separate petition.

The writ petition is devoid of merits and the same accordingly dismissed at the stage of admission. No costs.

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28-4-2005

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To

1 The Spl.Officer, Quthbullapur Municipality
Quthbullapur , RR District.
2 The Commissioner, Quthbullapur Municipality
Quthbullapur , RR District.
3 Town Planning Officer, Quthbullapur Municipality.
Quthbullapur , RR District.

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